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CONGRESSIONAL RECORD—1 USE

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tion. They stopped the project. They did this, we understood, to save the environment from the results of the project.

The choice was exercised by the Federal bureaucracy, and they did not allow this project to be completed. This was done by the choice of those individuals in the Federal Government and not by the choice of the people in that area of the country, that area of the State of Oklahoma, and it was impossible to continue that project.

Mr. FORSYTHE. Mr. Speaker, as the committee chairman has said, these issues are not dealt with in the legislation we are addressing today. Those are issues that will be dealt with when we look at the rest of the Endangered Species Act. That is the time we will be anxious to hear from the gentleman further.

Mr. LEGGETT. Mr. Speaker, I urge the adoption of the conference report S. 1316. The conferees have agreed to all of the provisions of the legislation as passed by the House. They have merely added some modifying language which plugs a potential loophole in the law.

Under the existing law, when a State signs a cooperative agreement with the Federal Government covering resident wildlife, the prohibitions in the Endangered Species Act are waived. This makes a good deal of sense since the continuation of Federal prohibitions would only duplicate the protection afforded under the cooperative agreement.

S. 1316, however, changes the existing law slightly by no longer requiring blanket protection for each and every species listed by the Federal Government. Thus, in some instances, there may be a need for continued Federal protection for those species not covered by the cooperative agreement. The modification adopted by the conferees guarantees that those species not covered by the cooperative agreement will continue to receive protection under the Endangered Species Act.

Mr. MURPHY of New York. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

MOTION OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MURPHY of New York moves that the House recede from its amendment to the title of the Senate bill, S. 1316.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. Dicks). Is there objection to the request of the gentleman from New York?

There was no objection.

TRADING WITH THE ENEMY ACT
AMENDMENTS

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7738) with respect to the powers of the President in time of war or national emergency, with Senate amendments thereto, concur in Senate amendments numbered 2, 4, 5, 6, and 7, and concur in Senate amendments numbered 1 and 3 with amendments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 2, after line 15, insert:

(c) The termination and extension provisions of subsection (b) of this section supersede the provisions of section 101(a) and of title II of the National Emergencies Act to the extent that the provisions of subsection (b) of this section are inconsistent with those provisions.

Page 2, line 16, strike out "(c)" and insert "(d)".

Page 6, line 9, strike out all after "(2)" down to and including "title," in line 13 and insert "donations, by persons subject to the jurisdiction of the United States, of articles, including food, clothing, and medicine, intended to be used solely to relieve human suffering, except to the extent that the President determines that such donations (A) would seriously impair his authority to deal with any national emergency declared under section 202 of this title."

Page 8, strike out all after line 11 over to and including line 6 on page 9.

Page 9, line 8, strike out "207." and insert "206."

Page 9, line 19, strike out "208." and insert "207."

Page 11, after line 10, insert:

Sec. 208. If any provision of this Act is held invalid, the remainder of the Act shall not be affected thereby.

The SPEAKER pro tempore. The Clerk will report the House amendments to Senate amendments numbered 1 and 3.

The Clerk read the House amendments to Senate amendments numbered 1 and 3, as follows:

In Senate amendment No. 1, strike out "supersede" and insert in lieu thereof "supersede;" and in Senate amendment No. 3, strike out "including" and insert in lieu thereof "such as," strike out "solely", and strike out "authority" and insert in lieu thereof "ability."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. ASHBROOK. Reserving the right to object, Mr. Speaker, I do that for the purpose of asking my colleague, the gentleman from New York (Mr. BINGHAM), just what is going on here. There does not seem to be anybody at the desk on this side with respect of this matter.

Mr. BINGHAM. Mr. Speaker, if the gentleman will yield, I will be glad to explain what we are attempting to do.

I expect that the gentleman from Illinois (Mr. FINDLEY), the present ranking member of my subcommittee, will be here momentarily.

I would remind the gentleman that the bill we are dealing with here passed

the House on a voice vote a few months ago. It then passed the other body with a few amendments, most of which are technical in character, such things as a separability provision and some purely technical amendments changing section numbers and so on.

There are two proposed changes of substance in the Senate bill, which are substantially noncontroversial, we feel. We have had some discussions with the other body on the subject, and we recommend accepting one of those changes. The other we recommend accepting with some limitations, and I can explain what those are.

The bill we are dealing with, the gentleman will recall, provides procedures and policies for the Presidential use of economic sanctions following a declaration of a national emergency at times other than declared war. This conforms to the provisions of the National Emergencies Act.

Under the House bill, the issuance of particular regulations to carry out economic restrictions was made subject to congressional veto by congressional resolution. The Senate representatives took a very strong position that this was unnecessary since the Congress already has the authority under the National Emergencies Act to overrule or veto the President's declaration of an emergency, and the other body felt that that is sufficient. Therefore, our committee representatives concluded that we should concur in that amendment since the Senate seemed to feel very strongly about it.

The other amendment had to do with exceptions to the economic controls the President would have under such a declaration of emergency, so that articles of a humanitarian character would be excluded from any embargoes of exports. The House language on that, the Senate felt, was too broad. Consequently, the Senate amendment somewhat tightened up that exclusion. It proposes only to exclude items intended solely for humanitarian purposes and specifies that food, clothing, and medicine are the types of items that should be excluded from Presidential regulation.

The House amendment to the Senate amendment would eliminate the word "solely" since, in almost every case, items of that character would have some benefit other than a purely humanitarian one. The test would be an impossible one to meet if it were limited by the word "solely." Most donations would have some economic value and impact, in addition to relieving human suffering, and such economic value or impact should not preclude a donation from coming within the Senate's proposed "humanitarian exemption." The motion I am offering to concur in the Senate provision would delete the word "solely" from the Senate language.

The Senate provision also seemed to limit the donations contemplated to fall within the exemption to "food, clothing, and medicine." It was the intent of both the House and Senate bills that any article other than military or strategic items could be donated.

To make clearer that the Senate's mention of "food, clothing, and medi-

ciné" is meant only to be illustrative of donations covered by the exemption, and that such mention should not be regarded as excluding other donated things of value from the exemption, it was suggested that the term "including" that appears before "food, clothing, and medicine" be changed to "such as." Such a change is included in the motion I am making to concur in the Senate amendments.

Finally, my motion to concur includes two further amendments to make purely technical corrections in the bill—to correct a misspelling and to correct a reference to the "authority" of the President which should read the "ability" of the President.

It is my recommendation, Mr. Speaker, that the House concur in the remainder of the Senate amendments. According to Senator STEVENSON, manager of the Senate bill, the Senate felt strongly that the congressional veto provided in the National Emergencies Act over future declarations of national emergency, which would trigger the international economic regulatory authority spelled out in this bill, constitutes a sufficient congressional check on the use of these authorities and makes unnecessary the additional congressional veto of regulations contained in the House bill. It was the concern of the House committee in considering this legislation that the congressional veto over national emergencies might provide too blunt and imprecise a congressional check—that a future Congress might concur with the need for a declaration of national emergency, but disagree with the use of a particular authority available to the President in light of a declared national emergency. Nevertheless, the motion I will offer to concur in the Senate amendments accepts the Senate position that congressional veto over "national emergencies" themselves is sufficient.

We feel that neither of these are of major consequence to the bill. That is why we brought the matter before the House in this fashion. We did not feel a conference was necessary and we were hoping to dispose of this legislation before the end of this session.

The minority has been consulted on this. I alerted the gentleman's colleague, the gentleman from Maryland (Mr. BAUMAN). I do not see the gentleman on the floor at the moment.

I also have the assurances that the minority on the committee are in accord with this proposal.

Mr. ASHBROOK. Mr. Speaker, further reserving the right to object, I thank my colleague for that explanation and I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DICKS). Is there objection to the request of the gentleman from New York (Mr. BINGHAM)?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I would ask the gentleman from New York (Mr. BINGHAM) whether there is any provision in this proposal that will open the door to trading with either Vietnam or Cuba?

Mr. BINGHAM. If the gentleman

would yield, I would say to the gentleman from New York (Mr. GILMAN) that this legislation specifically grandfathered the embargoes against Vietnam, Cambodia, Laos, Cuba, and other existing embargoes, so that they are not affected in any way by this legislation.

Mr. GILMAN. And this proposal creates no new vehicle for doing trade with any of those nations?

Mr. BINGHAM. No; it certainly does not.

Mr. GILMAN. I thank the gentleman for yielding and withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York (Mr. BINGHAM)?

Mr. WOLFF. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York (Mr. BINGHAM) a question. The answer, as I understand it, to the question propounded by the gentleman from New York (Mr. GILMAN) as to any further limitations to be placed on the part of the Congress at any later date are not removed; is that correct?

Mr. BINGHAM. No; as I explained to the gentleman from Ohio (Mr. ASHBROOK) Congress, under the National Emergency Act, which dovetails with this act, would have the right by concurrent resolution to overrule a veto of a declaration of emergency by the President, so that right of a veto over such declarations of a national emergency would not be disturbed in this legislation.

Mr. WOLFF. But what if we got involved in some other type of conflict that was not declared a national emergency, and the Congress desired at that point to put certain restrictions on trading with that particular country or countries involved, would we still, under the provisions of this act, have the opportunity of putting those restrictions in?

Mr. BINGHAM. Why, certainly, there would be nothing to prevent the Congress from taking any action that it saw fit to take. That situation that the gentleman describes would simply not be covered by this act.

Mr. WOLFF. This would not put any restrictions on any further actions by the Congress?

Mr. BINGHAM. Certainly not.

Mr. WOLFF. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

LIVING UP TO OUR COMMITMENT TO THE PHILIPPINE SCOUTS

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, today I am introducing legislation to correct a longstanding inequity in our treatment

of the survivors of the Philippine Scouts who fought alongside American soldiers during World War II. Although they were a part of the U.S. Army and fought and died along with their American counterparts, they never received the same pay or benefits. This kind of flagrant discrimination was sad reward indeed for their heroic sacrifices. The passage of this legislation would be a clear message to Filipino-Americans and people throughout the world that our commitment to justice and equality is not parochial and is basic to our conception of universal human rights.

In the late 1930's, the Philippine Scouts were made a part of the U.S. Army to help defend the South Pacific against totalitarian domination. Gen. Douglas MacArthur described the Scouts as "excellent troops, completely professional, loyal and devoted." They were an elite organization with a high esprit de corps in which membership was considered an honor by Filipinos and the strictest standards were followed in selection.

General Wainwright, who took command of forces on Bataan and Corregidor after General MacArthur moved Army headquarters to Australia, reported that by the beginning of December 1941 the "Philippine Scouts were fit, trained in combat principles and ready to take the field in any emergency."

At the onslaught of the war in the Pacific when the enemy attacked Pearl Harbor and invaded the Philippine Islands, these soldiers became key to the success of our entire South Pacific strategy. It was the continued resistance on Bataan that denied the Japanese an essential base for the projected thrust to the South Pacific. The enemy was forced to retain large army and navy forces in the Philippines, which otherwise could have been employed against Allied shipping of men and materials to Australia and New Caledonia from the United States and the Middle East. Their protracted defense of these islands against incredible odds allowed the United States time to recover from the first blows of the war and begin to send in supplies and reinforcements.

The defenders of Bataan were hopelessly outnumbered and undersupplied. During their entrenchment they endured severe hardships. When they entered Bataan in January they were already in need of new issues of clothing and shoes. General Wainwright reports that most of the soldiers "walked into Bataan barefooted." Disease and starvation were problems dealt with daily. At least 30 percent of the troops had dysentery, and the rest some variety of worm infestation of the bowel. By mid-March at least 75 percent of the command was incapacitated to some extent. But for 4 months they held out, fighting the enemy guerrilla fashion, buying time for an Allied force build-up in Australia.

With all the hardships endured by these soldiers, they never received the comparable benefits they were due. Brig. Gen. W. E. Brougher, Commander of the 11th Division on Bataan, pointed out in his prison diary, the moral factor that